

FCC MAIL SECTION

Federal Communications Commission

DA 99-2452

OCT 9 10 36 AM '99

DISPATCH
Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-196
Table of Allotments,)	RM-9325
FM Broadcast Stations.)	RM-9476
(Whitewright and)	
Van Alstyne, Texas) ¹)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 27, 1999

Released: November 5, 1999

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Chinquapin Creek Broadcasting Company ("Chinquapin"), the Commission has before it for consideration the Notice of Proposed Rule Making, 13 FCC Rcd 22722 (1998), seeking the allotment of Channel 260A at Whitewright, Texas. Chinquapin filed comments reiterating its intention to apply for Channel 260A at Whitewright, Texas. Comments and reply comments were filed by Henderson Broadcasting ("Henderson"). Chinquapin filed a counterproposal.²
2. In response to the Notice proposing a first local service at Whitewright, Chinquapin filed comments and a counterproposal. Chinquapin requests the allotment of Channel 260A to the community of Van Alstyne, Texas, as a first local service. In support of the counterproposal, Chinquapin states that although an allotment at either community will provide a first local service, an allotment at Van Alstyne will provide a first local service to the larger community. According to Chinquapin, Van Alstyne is located in Grayson County and has a 1990 Census population of 2,090 people which is larger than Whitewright with a population of 1,713 people. Chinquapin states its intention to file an application for Channel 260A at Van Alstyne and believes that allotting the channel to the larger community will result in a preferred arrangement of allotments.
3. Henderson filed comments supporting a channel allotment at Whitewright. In response to the counterproposal, Henderson filed comments stating it has no objection to an allotment at Van Alstyne rather than Whitewright and intends to apply for the channel the Commission allots in this proceeding, whether at Van Alstyne or Whitewright.
4. A review of the proposals indicates that Whitewright and Van Alstyne are both deserving of an FM channel. In an effort to provide each community with its first local service, the staff performed a search to determine if alternate channels were available to accommodate both communities. The analysis indicates that Channel 260A is the only channel that can be allotted to either community. Our analysis also indicates that the allotment of Channel 260A to Whitewright or Van Alstyne will provide service to both communities. Our

¹ The Community of Van Alstyne, Texas, has been added to the caption.

² Public Notice of the counterproposal was given on February 17, 1999, Report No. 2317 (RM-9476).

decision is guided by the allotment priorities as set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).³ As the allotment of Channel 260A to Whitewright or Van Alstyne, Texas, would provide a first local service to either community, fulfilling priority (3), our decision must be based on priority (4) – other public interest factors. In this regard, we find that the community of Van Alstyne (population 2,090 people) has a larger population than Whitewright (population 1,713 people).⁴ While the difference in population of approximately 300 is small, neither Chinquapin or Henderson provided any other evidence supporting one community over the other. Further, since Chinquapin has abandoned its interest in an allotment at Whitewright and Henderson has stated its intent to file an application for a channel at either community, we believe it is in the public interest to allot the channel to the larger community of Van Alstyne.

5. Based upon the above information, we believe the public interest would benefit in providing a first local service to Van Alstyne, Texas. Therefore, we will allot Channel 260A at Van Alstyne, Texas, as requested by Chinquapin. Channel 260A can be allotted to Van Alstyne in compliance with the Commission's Rules with a site restriction 11.8 kilometers (7.4 miles) east of the community.⁵

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 20, 1999, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community	Channel Number
Van Alstyne, Texas	260A

7. A filing window for Channel 260A, Van Alstyne, Texas, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by Chinquapin Creek Broadcasting Company IS DISMISSED.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

³ (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) Other public interest matters. [Co-equal weight given to priorities (2) and (3)].

⁴ The population figures are taken from the 1990 U.S. Census.

⁵ The coordinates for Channel 260A at Van Alstyne, Texas are 33-27-08 and 96-27-21.

10. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 260A at Van Alstyne, Texas, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau